

■ 马德里国际注册簿中的更正处理

李强强

马德里业务四组

日内瓦
2020年5月21日

如何使用 GoToWebinar



网络研讨会内容框架

- 讲座：在研讨会期间包含互动问题
- 讲座后答疑
- 讲座PPT可供下载
- 视频会上传到[马德里网络研讨会页面](#)
- 简短调查问卷搜集反馈

什么是更正？

互动问题1： 哪条细则适用于更正？

- a. 第26条
- b. 第27条
- c. 第28条
- d. 以上皆不是

第28条

- (1) 更正
- (2) 通知更正
- (3) 更正后的驳回
- (4) 主管局请求更正的时限：九个月

第28条第(1)款

- 如果产权组织认为国际注册有误，则必须依职权更正错误。
- 产权组织也会根据注册人或主管局的请求更正错误。

第28条第(1)款

- 在以下情况下，产权组织更正国际注册：
 - **主管局所致的错误**：主管局在公布之日起九个月内提出请求
 - **国际局所致的错误**：没有时间限制
 - **主管局所致的错误（更正不影响国际注册所产生的权利）**：只需主管局提出请求，没有时间限制

是否可以受理？

- 注册人直接向产权组织发出更正请求。注册人犯的错误的是，在国际申请中提供的法律实体有误。

我们是否受理此类更正？

- a. 是
- b. 否

是否可以受理？

- 原属局在九个月内向产权组织发出更正请求，称注册人在国际申请中提供的法律实体有误。

我们是否受理此类更正？

- a. 是
- b. 否

互动问题2： 下属案例是否可以受理？

- 原属局在九个月内向产权组织发出更正请求，称国际申请中提供的法律实体有误。

该案例wipo是否受理此类更正？

- a. 是
- b. 否

基本信息

- 产权组织不更正注册人所犯的**错误**。

第28条第(2)款

■ 公布更正通知并将其发送至：

- 注册人或当下的代理人
- 被指定缔约方的主管局
- 请求更正的主管局

第28条第(3)款

- 当国际注册作出更正：自通知更正之日起，被指定的缔约方主管局可以发出临时驳回通知。

第28条第(4)款

- 错误由主管局所致，并且更正会影响由国际注册所产生的权利时，请求更正的时限为：公布之日起九个月内。

公布日

605000- ROMARIN

Full details Summary By Office Documents Real-time Status

Current Status

English Multilingual

180 Expected expiration date of the registration/renewal

16.06.2023

151 Date of the registration

16.06.1993

270 Language of the application

French

732 Name and address of the holder of the registration

ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
chemin des Colombettes 34 |
CH-1211 GENÈVE 20 (CH)

811 Contracting State of which the holder is a national

CH

540 Mark

ROMARIN

511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(6)

09 Machine-readable bibliographic and graphic data media, including magnetic tapes, optical disks, CD-ROM disks for mark documentation, software on magnetic or optical media.

35 Services relating to data banks in connection with data relating to marks, namely collection, storage, update, formating, analysis, archiving, sorting and documentation of data, including information, communications, images, films and documents.

38 Services relating to data banks in connection with data relating to marks, namely distribution and delivery of data, including information, communications, images, films and documents.

822 Basic registration

CH, 01.04.1993, 402 418

300 Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin

CH, 01.04.1993, 402 418

832 Designation(s) under the Madrid Protocol

AG - AU - BH - BQ - BW - CO - CW - DK - EE - FI - GB - GE - GH - GR - IE - IL - IS - JP - KR - LT - MG - MX - NO - NZ - OM - RW - SE - SG - ST - SX - SY - TM - TN - TR - US - UZ - ZM

834 Designation(s) under the Madrid Protocol by virtue of Article 9sexies

AL - AM - AT - AZ - BA - BG - BT - BX - BY - CN - CU - CY - CZ - DE - DZ - EG - ES - FR - HR - HU - IR - IT - KE - KG - KP - KZ - LI - LR - LS - LV - MA - MC - MD - ME - MK - MN - MZ - PL - PT - RO - RS - RU - SD - SI - SK - SL - SM - SZ - TJ - UA - VN

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527 Indications regarding use requirements

GB - IE - NZ - SG - US

Transaction History

EXPAND

all none

or, only those pertinent to selected countries

AG AL AM AT AU AZ BA BG BH BQ BT BW BX BY CN CO CU CW CY CZ DE DK DZ EE EG
ES FI FR GB GE GH GR HR HU IE IL IR IS IT JP KE KG KP KR KZ LI LR LS LT LV
MA MC MD ME MG MK MN MX MZ NO NZ OM PL PT RO RS RU RW SD SE SG SI SK SL SM
ST SX SY SZ TJ TM TN TR UA US UZ VN YU ZM

HIGHLIGHT Contracting Parties above which have issued the document:

remove highlights statement of grant refusal final decision are no longer designated

Registration : 1993/8 LMI, 18.10.1993, AT, BG, BX, BY, CN, CU, CZ, DE, DZ, EG, ES, FR, HR, HU, IT, KP, KZ, LI, MA, MC, MN, PL, PT, RO, RU, SD, SI, SK, SM, UA, VN, YU

450 Publication number and date

1993/8 LMI, 18.10.1993

831 Designation(s) under the Madrid Agreement

AT - BG - BX - BY - CN - CU - CZ - DE - DZ - EG - ES - FR - HR - HU - IT - KP - KZ - LI - MA - MC - MN - PL - PT - RO - RU - SD - SI - SK - SM - UA - VN - YU

580 Date of recording (date of notification from which the time limit to notify the refusal starts)

22.09.1993

公布日

Transaction History

EXPAND

or, only those pertinent to selected countries.

AG AL AM AT AU AZ BA BG BH BQ BT BW BX BY CN CO CU CW CY CZ DE DK DZ EE EG
 ES FI FR GB GE GH GR HR HU IE IL IR IS IT JP KE KG KP KR KZ LI LR LS LT LV
 MA MC MD ME MG MK MN MX MZ NO NZ OM PL PT RO RS RU RW SD SE SG SI SK SL SM
 ST SX SY SZ TJ TM TN TR UA US UZ VN YU ZM

HIGHLIGHT Contracting Parties above which have issued the document:

Registration : 1993/8 LMI, 18.10.1993, AT, BG, BX, BY, CN, CU, CZ, DE, DZ, EG, ES, FR, HR, HU, IT, KP, KZ, LI, MA, MC, MN, PL, PT, RO, RU, SD, SI, SK, SM, UA, VN, YU

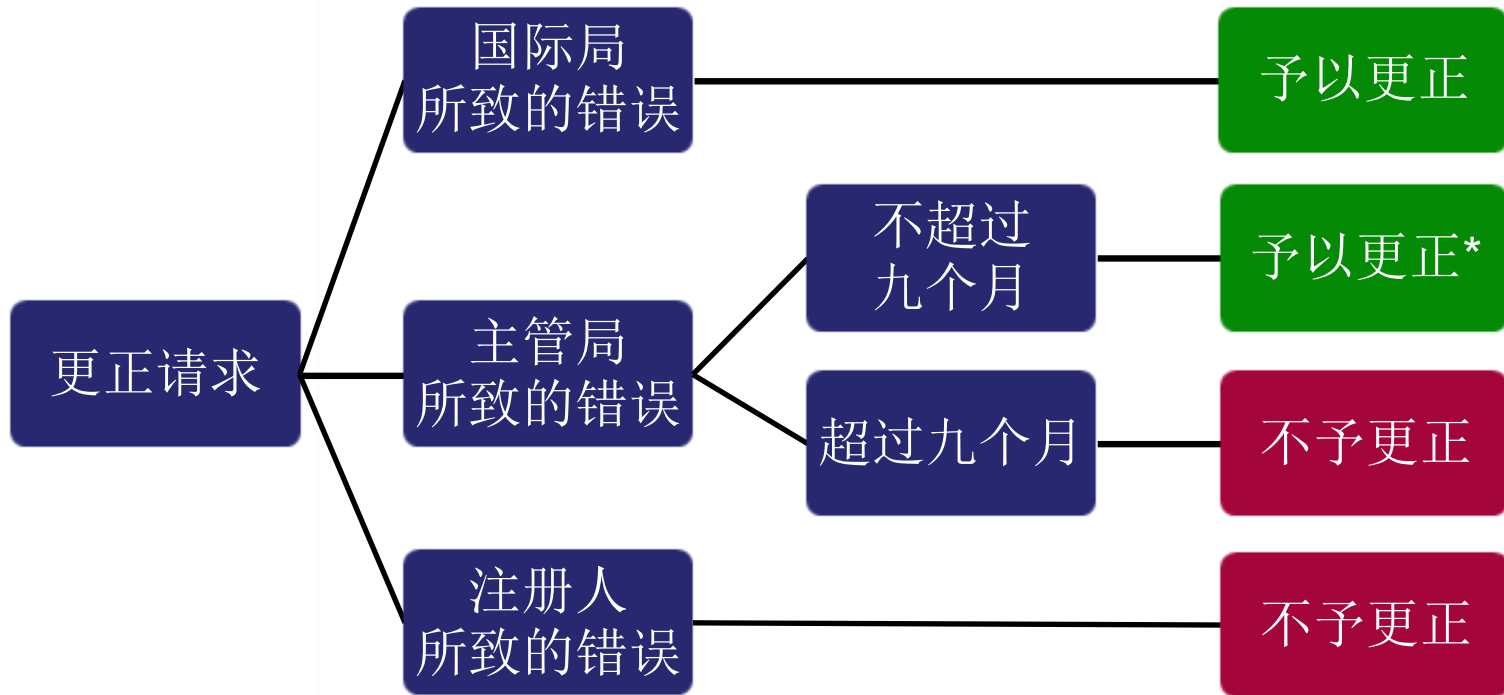
450 Publication number and date
 1993/8 LMI, 18.10.1993

831 Designation(s) under the Madrid Agreement
 AT - BG - BX - BY - CN - CU - CZ - DE - DZ - EG - ES - FR - HR - HU - IT - KP - KZ - LI - MA - MC - MN - PL - PT - RO - RU - SD - SI - SK - SM - UA - VN - YU

580 Date of recording (date of notification from which the time limit to notify the refusal starts)
 22.09.1993

The International
Trademark System

基本信息



*如果主管局提出请求

通信

- 如何请求更正（使用表MM21）
 - 马德里主管局门户（仅适用于知识产权局）
 - Contact Madrid（适用于所有人）

通信：建议

■ 表MM21

MM21(E)

REQUEST FOR THE CORRECTION OF A RECORDING

For use by the holder	For use by the Office																				
This form includes the following number of continuation sheets: 0	This form includes the following number of continuation sheets:																				
Holder's reference: JMM-71460/MM21.....	Office's reference:																				
<p>1 INTERNATIONAL REGISTRATION NUMBER (Please, provide the international registration number (and the letter, if any). Type one digit in each box. For example, for international registration number 123456A, type 123456A)</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td>7</td><td>6</td><td>3</td><td>3</td><td>4</td><td>3</td><td></td><td></td> </tr> </table>		7	6	3	3	4	3														
7	6	3	3	4	3																
<p>2 REFERENCE NUMBER</p> <p>(a) If the holder or his/her representative requests the correction:</p> <p>WIPO REFERENCE NUMBER (Please, provide the 9 or 10-digit number that appears in the notification as part of the WIPO reference number. Type one digit in each box. For example, for reference number 806/123456789, type: 123456789)</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td>1</td><td>9</td><td>0</td><td>2</td><td>1</td><td>9</td><td>6</td><td>0</td><td>1</td><td></td> </tr> </table> <p>(b) If the Office requests the correction:</p> <p>WIPO NOTIFICATION NUMBER (Please, provide the 3-letter and the 6-digit number that appear in the notification. Type one letter or digit in each box. For example, for reference number ENN/2014/01, type: ENN201401)</p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>		1	9	0	2	1	9	6	0	1											
1	9	0	2	1	9	6	0	1													



通信：建议

■ 表MM21

MM21(E), page 2

3 DESCRIPTION OF THE REQUESTED CORRECTION

(Please, provide details of the error to be corrected)

We found that the "railway rolling stock and their parts and accessories" in Class 12 were duplicated. Therefore, please correct the description of goods as follows:

Class 12: Rearview mirrors (of automobiles), automobiles and their parts and accessories, rearview mirrors (of two-wheeled motor vehicles), rearview mirrors (of bicycles), two-wheeled motor vehicles, bicycles and their parts and accessories, vessels and their parts and accessories (other than "air-cushion vehicles"), air-cushion vehicles, aircraft and their parts and accessories, railway rolling stock and their parts and accessories, ~~railway rolling stock and their parts and accessories~~, baby carriages (prams), rickshaws, sleighs and sleds, wheelbarrows, carts, horse drawn carriages, riyakah (bicycle trailers), adhesive rubber patches for repairing tubes or tires.

If the space provided above is not sufficient, check the box and use a continuation sheet.

4 PRESENTATION AND SIGNATURE

(a) The request is presented by (please, check the appropriate box):

- (i) Holder
- (ii) Representative of the holder
- (iii) Office

By signing this form, I declare that I am entitled to sign it under the applicable law:

(b) Name: Eikoh Patent Firm, P.C.

(c) Signature: 

(d) E-mail address: eikoh@eikoh-patent.gr.jp



通信

- 如何请求更正
 - 联系马德里

Contact Madrid

Use this form to make an enquiry or to submit a form/response to WIPO.
To get started, tell us who you are.

I am:

a trademark holder, representative or any other interested party
from a national or regional IP office

Submit

通信: Contact Madrid

I am:

a trademark holder, representative or any other interested party



My request concerns:

a form submission

Information on the Madrid System

the status of an international application or of a request to change an existing registration

an irregularity letter

a notification sent by WIPO

a payment

Madrid e-Services (Madrid Monitor, Goods & Services Manager, e-notifications, etc.)

a correction

a change in contact details of the holder

certified document(s)

something else

通信： WINS

■ 产权组织查询通知系统（WINS）

TICKET#	▼AGE	CHANGED	FROM / SUBJECT
5018061511	3 d 0 h	06/22/2018 16:55	noreply@formstack.com IA 016474918_01 simplinic : from a national or regional IP office
5018061156	3 d 19 h	06/22/2018 16:48	Strzyz, Karen IR 1407758 : from a national or regional IP office - correction requested
5018061107	3 d 22 h	06/21/2018 16:45	noreply@formstack.com Basic application m201725484 IR 1405705 : from a national or regional IP office
5018060360	5 d 20 h	06/21/2018 14:43	MORALES PAREDES Juan Antonio IRN 1406581 SHINE RESPONSIBLY : from a national or regional IP office
5018060351	5 d 21 h	06/21/2018 17:33	Bethan Curry WO0000001376021: from a national or regional IP Office
5018060252	6 d 0 h	06/21/2018 10:41	Merav Baron IRN 1269986 : from a national or regional IP office) URGENT!!!
5018060080	6 d 5 h	06/19/2018 17:50	noreply@formstack.com 41711 : from a national or regional IP office
5018060036	6 d 7 h	06/19/2018 11:15	noreply@formstack.com 1387252 : from a national or regional IP office
5018059932	6 d 22 h	06/19/2018 10:20	noreply@formstack.com IRN 1362054 : from a national or regional IP office



关于可受理性的练习

互动问题3： 案例研究

- 来自注册人的更正请求
- 国际注册证有误
- 注册人附上了向德国专利局发送的信函：

Therefore the list of goods and services should read:

14 - Jewellery; clocks

18 - Bags for sports; cosmetic purses; vanity cases sold empty; leisure bags; back-packs; beach bags; suitcases; travel bags; umbrellas; parasols

24 - Towels made of textile fabrics; bath towels; fabrics made from synthetic fibres for the manufacturing of swimwear

25 - Clothing; swimwear; beachwear; headgear for wear; footwear

Please rectify this error and let us have a rectified Certificate of Registration as soon as possible.

来自原属局的原始申请

Request	:	<u> 000</u>				Application (Common)
IRN	:					as at 26/06/2018
Classes	:	<u>14</u>	<u>18</u>	<u>24</u>	<u>25</u>	
Goods and Services in English	:	Jewellery				

互动问题3：根据上述情况描述，WIPO 是否可以受理？

- a. 是
- b. 否

答案：驳回

解决方法：由原属局发送请求

Notification of: 01/03/2018 (ENN/2018/07)
International registration n° : [REDACTED]

Rectification/Correction

Dear Sir or Madam,

We notify an error in our application of aforesaid international registration concerning the list of goods and services in class 14.

The correct list of goods and services should read as follows:

Cl. 14: Jewellery; **clocks**.

The other classes remain unchanged.

We apologize for this failing and therefore ask you to be so kind and rectify the International Register accordingly.

互动问题4： 案例研究

Dear Sirs,

Thank you for your e-mail.

As we already explained, the submission of the official form MM8 for the cancelation of classes 29 and 35 and some products of class 05 from contracting party China in IR **has been a mistake attributed only to us.**

We well know that we had to use form MM6 for this type of limitation, but we confused due to the fact the IR [REDACTED] designated only the contracting party China.

互动问题4：根据上述情况描述，WIPO 是否可以受理？

- a. 是
- b. 否

答案： 驳回

Dear Sirs,

Yesterday, we have received phone calls from you, asking for a correction to cancel the partial cancellation of 1 August 2019, concerning the International Registration.

We investigated and confirmed that the request for partial cancellation was submitted with the official form MM8, signed by the representative. It was processed in line with rule 25 of the Common Regulations and no mistake has been made by the International Bureau. As a result, a correction under rule 28 of the Common Regulations is not admissible in this case. I also sought advice from the Madrid legal department, which confirmed that we could not do a correction.

提示：

- 请阅读表格说明以及“填写须知”
- 表格要打印或打字
- 提交之前请检查您的表格
- 通知公布后，请进行检查

网络研讨会互动答疑

李强强

组长

马德里运营司第四审查组

毛德禄

审查员-信息助理

数据和文件股

谢谢！

Contact Madrid

